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EXTRACTS FROM A COMMON-PLACE BOOK.*

BY HENRY D. GILPIN

Mr. Gilpin, a son of Joshua and grandson of Thomas Gilpin of Philadelphia, was born in 1801 and took his degree in arts at the University of Pennsylvania in 1819. In 1832 he was appointed Attorney of the United States for Pennsylvania, in 1837 Solicitor of the Treasury of the United States and in 1840 Attorney General under Van Buren. He was President of The Pennsylvania Academy of the Fine Arts and Vice President of The Historical Society of Pennsylvania. He was a contributor to the *Atlantic Souvenir*, *American Quarterly* and the *Democratic and North American Reviews*. His library was one of the largest and best selected private libraries of the country. He was one of the leading benefactors of the Historical Society.

The Editor has thought it well to print the following excerpts from his Common-place Book as showing his diligence in the pursuit of knowledge and the orderliness with which he arranged his studies, even in the beginning of his career.

A Common-Place Book in which I intend to note down my readings and my observations thereon.

Philadelphia, June 25, 1819.

I have this day finished my examination for a Bachelor's degree which I have been fortunate enough to obtain as well as one of the three collegiate honors. As henceforth the line of my studies will be altered, and my plan of reading entirely different I have determined to keep a faithful & accurate account of the

* In the possession of Thomas Lynch Montgomery.

works which I peruse and to make remarks thereon more or less freely according to the nature of the work. And notwithstanding the opinion of Dr. Johnson I cannot but think it an excellent method to promote at once industry and knowledge.

It is just two years and a half since I entered College—during that time I have read many books and studied many subjects tho I cannot but think I could have done more and that more effectually had I studied privately; however I do not regret the time that I have spent there since it was the only way for me to obtain a degree which the world at least considers as important for a professional man.

I have read either at school or college most of the ancient Classics particularly the Latin; some I have studied with attention others have been passed over in the superficial manner which they too generally are—As however it is proper that I should have a perfect knowledge of them I shall commence a general review 1. of the Greek and 2. of the Latin— I shall begin with the Greek historians—then proceed to the Poets, Orators & Philosophers—and afterwards follow the same plan with the Latin.

July 5. Brandywine. The last week has been employed in removing from the city &ca. so that I have been very idle and indeed this is the first day I have done any thing seriously—I find that I have not brought Herodotus down with me so that I cannot yet commence my historical plan—I have determined however for the present to employ myself in studying Greek & Latin—by, first translating them into English and then turning them back into the original—an excellent way to obtain a good knowledge of a language—This morning I translated the two first pages of the 1st. Philip. of Demosthenes; and the 1st Chap. of Cicero de Senectute I also read the Articles Demosthenes & Cicero in Brewster—I cannot think that

Demosthenes accepted the cup from Harpalus—I must investigate the subject— Altogether an idle day—

July 6. Commenced Italian and was employed at it until 10 o'clock—translated a page & a half of Demost. & a chapter of Cicero— In the afternoon I was idly engaged in reading a little book “Contes de Voltaire.” He could write tales in a most engaging manner.

July 7. Re-translated the first page of Demosthenes and the 1st Chapt. of Cicero into Greek & Latin—I find this method more difficult than I expected, but I feel confident that there cannot be any way better adapted to give us a knowledge of a language, than to make, in this manner, its best writers, our instructors.

July 8. Engaged with Italian & French till 11 o'clock—translated two pages of Demosthenes—in afternoon I wandered into the woods & having a Virgil in my pocket read his Life and the three first eclogues—it seems strange that he should have been so anxious that the Eneid should be burnt—especially as he had thought it long before worthy of being read before Augustus & Octavia.

July 13. For the last three or four days I have been engaged—so that I could not find time for Demosthenes or Cicero—I have however written the greatest part of my oration for the commencement, done something at French and Italian & finished Virgil's Bucolics p—17 to 63. How very difficult a species of poetry must the Pastoral Poetry be—I do not remember a single modern Pastoral Poet, except perhaps Gesner, who is good for any thing. But in Virgil, every thing is simple and beautiful, & natural, while we have no rude or rustic expressions

July 16. I at last have got back to Demosthenes & this morning translated a page and a half—read also the first Georgic 1.1 to 100 How curious to a modern must his compliment to Augustus (1-24-42) appear—to ask a person in an address of 20 lines what part

of the heaven he will choose & what he will preside over.

July 18. Translated a page & a half of Demosthenes into Greek and began to read over Valpy's Greek Grammar with notes attentively read preface &c. & page 1-17.

July 20. Translated a chapt. of Dem. into English & a page of Cicero into Latin read Valpy p. 17-34—to the Verbs—the coincidence between the Greek & Latin nouns is very striking, & clearly proves that the latter are derived from the Greek—I have also continued my French & Italian—the Ital. is much easier than I had expected—tho' I had thought it was much more like the Latin than it is—

August 1. I returned from Philadelphia yesterday after the commencement—I have been so much engaged about it for the last 10 or 12 days that I have had little time to attend to any thing else—as however it is now proper to begin seriously to study I propose as the most effectual way so to do to make a regular division of my time—Law being the chief object of my studies I consider that as the *principal* object—Latin & Greek, Italian & French are scarcely less important however— Let this be the plan—Monday, Wednesday & Friday till 8 o'clock—Greek or Latin—from 8 till 2 (dinner) Blackstone &c.—afternoon reading & society—on the other days—French or Italian instead of Gr. & Lat.—rise at 5. go to bed at 11.—as it is now my intention to begin Herodotus I read, as introductory, to-day his life by Beloe—Tytler's Hist. p. 16-39.

August 2. Read as introductory to Herodotus—Millet Elements of General History p. 1-206— This is not a good elementary book—too little attention is paid to chronology & it is filled with many remarks which are by no means new—he however very properly avoids mixing together sacred & profane History—the Abbé appears to prefer the Spartans to the

Athenians—but how is it possible to prefer the country which “in the period of nearly 1000 years produced no poet, orator, historian, or artist of any kind” to a country which stood unrivaled in every splendid acquirement.—a savage to a civilized people.

August 5. Italian & French lesson— At last got an opportunity, to begin Blackstone—read the 2 first chap. of the Introduction p-1-63— I admire it very much but shall not form an opinion of the work till I have finished it—The Edition is the 4th Oxf. 410.1770.

August 6. Having read such preparatory books as I thought necessary I this morning began Herodotus. The edition I use is that of Gale a learned divine of the 17th Century—fol, Lond. 1679—it does not appear to be a very good one but I must content myself with it—at least for the present—read to day the 12 first chap. of Clio— p 1- 6— Read also Blackst. p- 63-120 which finishes his admirable introduction—I shall defer opening a Common-place book on *Law* until I commence a second reading & shall have acquired a little more knowledge of its general principles—began one however to day on *History*—

August 7. Read the first 6 chap. of the first Book of Blackstone—p. 120-237.

August 8. Did an Italian lesson which should have been done yesterday— As I think it proper to keep up my knowledge of mathematics I have determined to devote a few hours every week or two to them—to day I reviewed part of the Differential Calculus

August 9. Read Blackstone p—237-306.

August 13. Having been in Philadelphia on business since the 10th. I have done nothing in the way of study— I however employed two afternoons at the Library in making a list of the works & authors in the antiquities of Gravius, Gronovius &c which will be very useful to me in reading the ancients—

August 14. Besides my Italian lesson I this day read Blackstone p 300-366.

August 15. I spent two or three hours to-day at the Differential Calculus.

August 16. I this day read the 9 last chapt. of the first Vol. of Blackstone p. 366-486.—also from the 13th to the 25th chapt. of Herodotus p—6-10.

August 17. Italian &c— Read the two first Chapters of the 2. Book of Blackstone p—1-20.

August 18. Read 3 ch. of Blackstone p 20-78—also from the 25th to the 34th. ch. of Herodotus—p 10-14; and I have seldom read an equal portion of history so delightful as the admirable address of Solon to Croesus— The passage in the 32 Ch.—relative to the term of human life is curious & important—and will be the subject of remark in another place—

August 19. Besides my Italian & French, I could only find time to day for 2 ch. of Blackstone p 78-120.

August 20. Read Blackstone—p. 120-179—also 23 chapters of Herodotus p 14-21—where he first begins to treat of the Grecian States

August 21. Read Blackstone—p. 179-200—also did a long Italian & a French lesson

August 23. I did little in the way of study to-day except something at the Differential Calculus.

August 24. As I should wish to finish Blackstone this month I must be more industrious—to-day I read p 200-344—

August 25. Read p. 344-470 of the 2d. Book of Blackstone; the 23d. Ch. finishes the subject of real property, a subject perhaps the most abstruse in legal science and “to reach to the full meaning of which” Sir Edward Coke’s advice of a second perusal—nay perhaps of a great many more—must be followed by every student— To-day I also read Herodotus p—21-24

August 26. To-day—F. Corbin being here—could

read nothing but "Mazeppa" a new poem by Lord Byron also the "Sketch-book of Geoffry Crayon"—the 2 first papers of the latter are very good—the 3d middling—the last untrue—it is not the tribe of book-makers who study the old folios in the British Museum—they would be loth to take so much trouble—as to Mazeppa—I cannot but think that the age is fast declining in taste which can admire this & many other effusions of the noble author—

August 27. Read Blackstone p. 470-520 which finishes the 2d. Book—also 6 ch. of Book III. p—1-35—

August 28. Read Blackstone p 85-253 and also my Italian lesson.

August 29. I this day read from the 17th to the 24th Ch. of the 3d B. of Blackstone p—253-386— His observations (Ch. 21, 22) on the common remarks, of the barbarity of law-latin & norman french, the uncertainty & length of law proceedings, the multiplicity of laws &c—are very correct & true—& the chapt. on the trial by jury is admirable.

August 30. Read Blackstone p 386-455 which finishes the 3d Book—also p 1-118 Book IV.—the concluding observations of the first Chap. have been fully proved by the experience of many years & it is to be hoped that the present efforts of parliament will soften the severe punishments of a code "so dreadful that far from diminishing will increase the number of offenders". Also read a few chapters of Herodotus—p 24-26.

August 31. After a hard day's work I finished the Commentaries of Sir William Blackstone—I have seldom read a book more contrary to my expectations, I had heard indeed that he treated the dry subject of the law in a very handsome manner but had no idea that work on so abstruse a subject could be written with a beauty & elegance that might entertain the most superficial reader. Perhaps it would be going

too far to say that its style is the finest in the English language but yet I must confess I know none superior—Altogether it is a work worthy of the subject and if as Montesquieu has foretold that beautiful fabric shall sink beneath the decays of time & the corruption of ages—posterity will here view the best record at once of its simplicity & greatness—and perhaps pronounce it with the author “the best birthright, the noblest inheritance of mankind”.

September 7. Took my French & Italian and read Pastoret 158-369. which finishes what I wanted to know of this book— Confucius as a moralist, is far superior to the other two—but how poor all their laws appear when compared with the noble system I have been reading in Blackstone.

September 19. In Philadelphia since the 12th—on the 14th I entered myself a student of law in the office Mr. J. Ingersoll— To-day I was engaged in writing off a copy of my speech to send to England—

September 21. Yesterday and to-day I was finishing my speech and writing letters &c. to England—also did a French & Italian lesson.

September 22. This day I read 38 chapters of Herodotus—p. 74-90 which finishes Clio—I had formed a plan to read the Greek historians regularly thro’ but in a month I am obliged to alter it—every page of law shews the absolute necessity of an intimate acquaintance with modern history—I shall therefore turn to that leaving Herodotus to some future day—but shall first make an abstract of Clio and some maps to exemplify it so that when I have leisure I may return to it with advantage—

September 23. I this morning began Sullivan’s Lectures on the laws of England—read the Introductory discourse p. I-XLIII by Stuart— It seems strange that Mr. Hume should so frequently & with so little authority attempt to deny so many of the ancient liber-

ties of the commons of England—read also the 6 first lectures p. 1-92— Took my French & Italian lessons—

September 24. Read Sullivan's Lectures p. 92-210—the account of the Feudal System appears a remarkably clear & excellent one so far—made an abstract of Clio—See Common place Book—*History*.

September 25. Read only 5 Lectures this morning p 210-271—took my French & Italian lessons—and made a map of the world as known to Herodotus marking only the places mentioned in Clio

September 26. Made a map of Asia Minor as mentioned in Clio—

September 27. Read Sullivan's Lectures p 271-403—finished my maps in the afternoon.

September 28. Finished Sullivan's Lectures p. 403-538—a book of considerable information—it gives me a much clearer idea of the feudal System than I had before as well as of the rise and causes of many different tenures, fictions of law, &c.— Began my course of modern history with the 14th. Vol. of the Universal History—it is my intention to take this as my text book, and read Tacitus, Suetonius, Gibbon, &c—as I go on read to day from p 1-29. Also French & Italian lesson—

September 29. Began Sullivan's Lectures again and read the Introduction & p 1-92—also Universal Hist. p 29-75. This part is taken almost literally from Tacitus—

September 30. Read Sullivan p 92-222 I took my French & Italian lessons— In the afternoon read the Universal History p 75-142. which brings us to the death of Germanicus—the noblest, bravest & best man whom Rome had seen for many years.

October 1. Read Sullivan p 222-362. Also the Universal Hist. p. 142-210—when the wretch Tiberius retires to Capreae.

October 2. Finished this morning the second read-

ing of Sullivan's lectures p. 362-538. And besides my French & Italian read *Univers. Hist.* p. 210-238 the execution of Sejanus.

October 3. Read *Univers. Hist.* p. 238-262. which finishes the reign of Tiberius.

October 4. I this morning examined myself on Sullivan and began again the 2d. Vol. of Blackstone—read p. 1-44. Also read the reign of Caius Caligula in the *Univers. Hist.* p. 262-325.

October 5. Took my Italian & French lessons, read Bl. p 44-120, and the *Univers. Hist.* p 325-365—to the death of Claudius

October 6. Read Bl. p. 120-223 and *Univers. History* p 365-467—to the Death of the tyrant Nero—it is rather curious that Lucan & Persius two of the boldest writers of Rome should appear in so tyrannical an age—and that poets so young should have left us such admirable works—the 2d & 5th. Satires of Persius are amongst the noblest remains of antiquity.

Nov. 2. Arrived at this period when according to Mr. Gibbon the Decline of the Empire began I end the first division of my history & return to consult the original authors of that division and commence with Tacitus—the perusal of whose works I regard with more pleasure than those of any ancient writer.

November 4. Read 4 Bl. p 220-322—took my French and Italian lessons—and began Tacitus—read his life and the first 12 ch. p 1-11.

November 5. Finished the 2d reading of Blackstone p. 322-443—which has increased my admiration of his noble work which can never be read too often—I only wish I had the memory of Adrianus when I read it—read 12 ch. of Tacitus. p. 11-15.

November 6. Busy all this morning at a map of the western lands—wrote to England also took my French & Italian lessons

November 14. All this last week I have been en-

gaged at a map of the western lands except that I have read to the 75 ch. of 2. book of the Annals p. 15-61.

November 15—I this morning began Lord Coke's first Institute the commentary upon Littleton—the 8 vo. ed. in 3 vols with Mr. Hargrave's notes—read to day the various prefaces &ca p I-LVI. & part of the 1st Sect. fol. 1-6 a—I also finished the 2d. book of the Annals & read to c. 8—3. 1.—p 61-68.

November 16. Read Co. Litt. to Sect. 6 & Tac. p 68-77 and took my French & Italian lessons—

November 17—Read Co. Litt—S. 6-18. and Tac. p. 77-85

November 18. Besides my Ital. & French I this morning read Co. Litt—Sec. 18-36. which brings us to the chap. on Dower—as yet I have not come to any thing so dry & disagreeable as I have been led to expect—and indeed I fancy these accusations generally arise from the ignorance or idleness of the Student—it has indeed as yet been quite entertaining—I also finished the 3d. book of the Annals of Tacitus—p 85-92.

November 19. Read Co Litt. Sec. 36-56—which finishes the cap. on Dower some parts of which are not quite so clear as the preceding—

November 20. Took my French & Italian lessons and read Co Litt. to middle of Sect. 58—a very little but as I was engaged with some gentlemen yesterday & to-day I could only read that & Tac. p 92-96

November 21. I made to day an Analysis of Spanish grammar as I wish to learn that language in the course of the winter—I read also a few chapters of Tacitus p. 96-102

November 22—Read Co Litt. S. 58-68—and Tacitus to c. 40— His brevity is astonishing—the observations in c. 32, 33, little more than $\frac{1}{2}$ a page—would employ many pages of the learned philosophers of the present day—

November 23—Read Co Litt S. 68-85. which finishes

the first book— It would not do many landholders & their officers the least harm to read Sir Ed. Coke's advice to them & (which would be more difficult perhaps) to follow it—vid. fol. 59, 61, 62. I also finished the 4th book of the Annals—there is some mistake in my edition I fancy at the end of the 40th. chapt. as the sentence appears very confused—also took my French & Italian lessons—

November 24. I was fully employed till dinner in reading the note of Mr. Hargrave continued by Mr. Butler on the feudal system—& consulting the authorities—I do not see the use of introducing so much about the civil law—the 3d & 6 Sect. are very useful to the Student—read what remains of the 5th Book and to the 11 ch. of 6th of Tacitus—Sejanus has gained but posterity has lost much from the rapacity of time—

November 25. Began the 2d. book of Co Litt. & read from S. 85-96 and Tacitus p 130-138—and my French & Italian.

November 26. Read Co Litt S. 96-107—few better instances of his quaintness can be found than the last passage p. 71a—and finished the 6th book of Tacitus—

December 31. Read Co Litt S. 734 to the end—which finishes Co. Litt. with the year—on looking over the studies of the year, I do not find any reason to reproach myself with idleness tho' I hope next year by adopting a more regular system I shall be able to read more—since leaving college (where I was the first six months of the year)—I have read Sir W Blackstone's Commentaries twice attentively—Sullivan's Lectures also twice—Lord Cokes 1st Institute—All the works of Tacitus & a number of less important works—and since I returned to Philadelphia half the day has generally been employed in writing at the office.

February 1. (1820.) During the last month I have been very idle and gone out a great deal, I have also neglected the languages very much and it is therefore

my intention to turn over a new leaf and be more industrious; as there are exactly 6 languages that I wish to perfect myself in I shall devote an evening to each every week, Monday, English, Tuesday Latin, Wednesday, Greek; Thursday French, Friday Italian, Saturday Spanish.

February 19. Having some writing in the morning I did not think it worth while to begin Bacon as it was Saturday, but perhaps the true reason was that I wished to read Ivanhoe a new novel by the best of novel-writers. Perhaps I spent the day very idly but I am not of the same opinion as many persons that reading a novel occasionally is either a very great waste of time or that it renders the mind unfit for other studies— There is no character I despise more than a novel reader that is one who can pore forever over the trash of a circulating library and enjoy nothing else, and then it is I grant a waste of time and very injurious to the mind. A good novel instructs us more in the manner of the age and country where the scene is laid than any other kind of writing, and we are told by Florian that when he had searched in vain all the other records of Moorish Spain he found in their romances the most useful and important fund of information. But to me I confess the chief inducement to read a novel is the entertainment it affords—the mind sometimes becomes wearied with the sameness or the obscurity of a law treatise—there are times when history itself cannot please—and then it is that the relaxation of poetry or a novel makes us return them with new vigor—Cato and Camden it is said, and surely *they* will not be called weak and indolent, learnt new languages at an advanced period of their lives merely to read the fictitious tales of Greece and Spain.

It is long since I have read a novel and shall not perhaps look at one again for many months; but I am confident that I shall not study “Pleas and Pleading”

with less attention, while I am sure that I have derived a great deal of information as well as pleasure, from reading *Ivanhoe*.

June 12. Sir John Fortescue was born about the year 1390— We are accustomed to look upon this as a barbarous period—but this work shews the marks of a well cultivated, as well as noble mind, and is admirably calculated to increase our esteem for a system of laws which tho greatly altered in the course of four centuries (perhaps in some cases for the worse) are eminently calculated to promote the freedom and happiness of the subject—he has selected with great judgment the points of comparison between his own & the civil law—so as not to leave room for a moment's hesitation on its superiority—& tho the latin may not bear a comparison with that of the augustan age, it is certainly far superior to that of most Law writers of the same period, and indeed many parts of the work are written with remarkable strength and beauty.

June 13—As I do not wish to begin my *Ld Coke* before I go into the country I have determined to read 2 short but very important works *Gilbert's & Wright's Tenures*—began the former & read to day the pref. & p 1-32. and *Dio ** p. 746-753.—I think *Caligula* was the most extraordinary character I have ever read of—he seems to have lookd upon the senators as the most consummate fools, & to have treated them as such with all the coolness imaginable—It is impossible to refrain from smiling at his speech to the senate p. 748.

June 22. Read *Wrights Tenures* p. 57-134—I also looked over the last number of the *Edinburgh Review* (65), but only found time to read the 2 articles which appeared most interesting, the first, & the last—the first a splendid critique on *Ivanhoe* & worthy of that inimitable work—nothing but prejudice however could in-

* *Cassius*.

duce them to think it inferior to any but Old Mortality—the critique on Demosthenes gives the truest character of that great orator, that I ever recollect to have met with—From the small number of his orations that I have read—perhaps I am not able to appreciate his merits—but three or four Phillippics have taught me to join almost with enthusiasm in an opinion which has remained the same and nearly uncontested for two thousand years—the critic has truly said that he is “without any ostentation of profound reflection or philosophical remark—without the glare & attraction of prominent ornaments”—in Demosthenes we never think of the beauty of the language, whilst in Cicero we stop often to admire the finely turned period, & elegance of expression—but in Demosthenes it is the *soul* which pervades every word, which strengthens & connects every argument, which leads us irresistibly—not to admiration of the speaker—to conviction—he stops to catch a figure—to polish an expression—but with his eye & his thoughts fixed on one object—he rushes to it and bears along the opinions of his hearers by a simplicity, a strength, a closeness of argument which joined to the vigour, and correctness of his language—rendered the opposition of the talents and corruption of Athens alike unavailing—No remark is more correct than that “the vigor, the sublimity of Demosthenes of which we read so much is not discoverable in detached parts—in striking & brilliant passages, but in the effect of the whole” At first I was accustomed to look for & read these passages & was uniformly disappointed—it was not till I had read the whole, that I was at all able to judge of them—and it a pleasure to me that that judgment has not differed from that of the greatest men of all ages—The remark of the critic is, from my own experience, as true in opinion as beautiful in expression—“that an attempt to give the effect of any of his orations by selection, or the

merit of the whole by splendid passages, would be as hopeless as to produce an adequate idea of the bounding elasticity—the matchless symmetry and ethereal attitude of the entire Apollo, by the production of a finger or an ear”—

October 7. I this morning again closed my *Ld. Coke*—I find that I have been considerably longer reading it than I was last year. Tho I have no reason to alter the opinion I then formed of it. If it be true that to appreciate the beauties & know the excellencies and advantages of the English language we must devote our days and nights to Addison—it is not less true that to understand the english laws we must apply to the writings of Sir Edward Coke with unwearied diligence the maxim of Horatius “*nocturna versate manu, versate diurna*”.

Oct. 8. I have now arrived at the close of another year and on looking over my different stories and the amount of them I do not think that I have been idle tho I might have been more industrious—I have been gradually forming more regular habits of study and I am firmly convinced that only by so doing shall I be enabled to devote my self to it as I ought and I hope that at the end of the succeeding year I shall have it in my power to look back to my studies with still greater satisfaction—My knowledge of law the great and important object of my labors has I hope and I think widely expanded but it is a science which requires a greater exercise of the mind and the memory than any I have yet engaged in and I am not discouraged that my long and patient labors should sometimes be forgotten in a few months. From my historical and miscellaneous reading I have derived each day new pleasures and I have found that it is in the original writers that the mind will be best satisfied—that the waters are purest at the fountain whence they spring.

I have become a good french scholar and seldom find

myself at a loss in reading that language—while I have learned to appreciate the beauties of the italian, a delightful language which I shall continue to cultivate with diligence—I have not neglected however, for the more elegant pursuits of literature, those branches of natural science which should never be forgotten entirely amidst our other occupations and I have been able by devoting a leisure hour still to keep the recollection of them in my mind.

March 17. (1821.) Read Tidd's References 254-260—I spent my leisure yesterday & to day in skimming over a book I have long wished to see—Petronius Arbitrator—and I find it much less gay & interesting than I had expected and far more indelicate—yet I could not help smiling at the eagerness with which the old commentators introduce all that is indecent to illustrate him—The edition which I read is one which swells to 886 pages a text that might be contained with ease in 50 many are intirely composed of notes few contain more than 5 or 6 lines of the text. It may well be imagined I did not read all this voluminous nonsense—

August 5. Sunday. Un. Hist. to the end of ch. 12—Such is the end of this mighty empire 2,200 years after Romulus had just collected his robbers on the seven hills—The boldness of youth—the glories of manhood are not disgraced in the last moments of dissolution and I am not ashamed to drop a tear at the late tho inevitable fate.

I have now traced it gradually rising by prudence or by arms from the crafty but politic Octavius to the warlike Trajan & virtuous Aurelius—a point at which historians have presumed to fix the era of greatness—I have seen the darkness which veiled the earlier & doubtful ages of decline brightened for a moment by the *maturity* of the *youthful* Alexander—the courage & conquests of Aurelian—or the virtues of Tacitus and Florian men not unworthy of the ancestor whom

they claimed—I have seen the energy of a single emperor establish a new religion and a new metropolis—a religion which has spread over the most celebrated nations & often triumphed over the temporal power but which in the East was taught to bow to the just & prudent authority of the emperors till it gave way to the victorious arms of an infidel & a barbarian—I have traced the empire reviving with ancient lustre under Julian—the prince—the soldier—the philosopher—brightening for a moment from the splendor of the generals & lawyers of Iustanian—then gradually sinking thro the course of 900 years by internal weakness & external power till it was bounded by the most of Constantinople—at last while the crescent was planting on the walls; the cross gleamed for an instant from the virtues of the last Constantine and then sunk for ever—Perhaps the first Caesar who fell beneath the avenging dagger of Brutus in raising the mighty fabric might envy the last of his imperial race who ably refused to survive the accumulated ruin of fifteen ages & willingly sunk the last of the empire of Rome.

August 6. I abstracted & reduced to writing the cases & points in the last section of Mr. Fearne.

September 1. Since my father has been ill I have not read regularly tho I believe I have not any day entirely neglected my law or my history. I have read Fearne—thro the section on executed & executory trusts & the cases particularly the two long reports of Bagshaw & Spencer in Collect. Iur. 280-310—& 2 Atk 570-584 & supposed by the masterly comments of Mr. Fearne I have presumed to differ with lord Hardwicke—I have also gone thro the three sections on Perin & Blake twice & shall finish the subject, I hope tomorrow, by reading the different reports of that celebrated case—I have finished the history of the Goths—of the Ostrogoths in Italy—of the Vandals—

& of the Suevians in the 19th volume of the Universal History.

September 2. Read the report of Perrin & Blake in 4 Burr.—Black, Rep.—Doug.—Collect: Iurid:—& Sir. W. Blackstone's argument in Cam. Scac:—the last & Yates' I opinion in Collect: Iur. are admirable—It is not a little surprising that the greatest chancellor & greatest judge that England has ever had sh'd each have endeavored thus to break thro an established law & introduce an arbitrary & discretionary rule in its place—read Un. Hist. of the Franks to 377.